

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED	JUL 20 2007
JOHN F. CORCORAN, CLERK BY: <i>[Signature]</i>	DERUNK CLERK

UNITED STATES OF AMERICA,)
)
Plaintiff,)
v.) Criminal Action No. 7:06-cr-00112
)
ROBERT KEITH ADAMS,) MEMORANDUM OPINION AND ORDER
)
Defendant.)
) By: Hon. James C. Turk
) Senior United States District Court Judge

Three motions are before the court. In the first, the United States asks this court to reconsider its oral order of May 21, 2007, requiring the production of rough agent notes. The second is a motion to dismiss the indictment that Defendant included in his response to the United States' motion for reconsideration. The third is Defendant's motion to suppress statements that he made in a March 24, 2006, interview.

1) The United States' motion for reconsideration is **GRANTED**. Upon reconsideration, the court concludes that by implementing an "open-file" policy, the United States did not commit itself to turning over rough agent notes that the law does not otherwise require it to disclose.

Accordingly, the court's oral order of May 21, 2007, requiring such disclosure is **VACATED**.

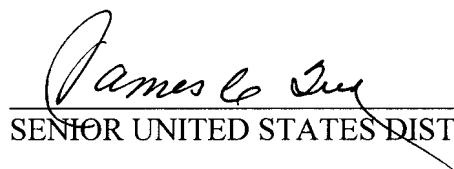
2) Defendant has not made any showing of discovery impropriety or other prosecutorial misconduct on the part of the United States. Nor has he shown prejudice. Accordingly, his motion to dismiss the indictment is **DENIED**.

3) The court has reviewed Defendant's motion to suppress statements he made on March 24, 2006, together with the transcript of the interview, and the arguments and authorities

presented by both parties. The court concludes that government agents did not unlawfully compel or otherwise improperly procure Defendant's statements. Nor did they grant Defendant immunity from prosecution for allegedly false statements made during the course of the interview or bind the United States to refrain from prosecuting Defendant on such charges. Accordingly, Defendant's motion to suppress is **DENIED**.

The Clerk is directed to send certified copies of this Memorandum Opinion and Order to all parties of record.

ENTER: This 20th day of July, 2007.



SENIOR UNITED STATES DISTRICT JUDGE